IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13338 of 2004

Between:

M.A. Nayeem S/o. Late Mohd. Ahmed,
21-1-1008, Q.Q.S.U.D.A. Mini Stadium , High court Road, Hyderabad

..... PETITIONER

AND

1 A.P. Central Power Distribution Company Ltd., (Sourth Circle).
2 The Asst. Accounts Officer, G.R.C., Mint Compund, Hyd.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an writ, order or direction more particularly writ in the nature of Mandamus to set aside the bill Dt. 08.07.2004,

Counsel for the Petitioner:MR.KISHORE RAI, Advocate

Counsel for the Respondent Nos.1 and 2: SMT.M.VINOBHA DEVI

The Court made the following :

O R D E R:

This writ petition is filed questioning the electricity bill dated 08-07-2004, issued by the respondents wherein, a sum of Rs.20,899/- has been shown as current arrears payable by the petitioner. The petitioner states that he has been paying the monthly consumption charges regularly and absolutely there are no arrears, payable by him. The grievance of the petitioner is that the respondents are now insisting on payment of the amounts as per the bill dated 08-07-2004, failing which there is a threat of disconnection of electricity supply. Hence this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

It is relevant to note that soon after receiving the impugned bill, dated 08-07-2004, the petitioner has made a representation dated 24-07-2004, before the 2nd respondent- Assistant Accounts Officer, A.P. Central Power Distribution Company of Andhra Pradesh bringing to his notice that there are no

arrears payable as shown in the bill and therefore, the mistake in the bill may be rectified. He states that the said representation is still pending with the 2nd respondent.

Having regard to the facts and circumstances of the case, I am of the view that the dispute with regard to the liability of the petitioner under the impugned bill cannot be adjudicated in the writ jurisdiction under Article 226 of the Constitution of India, but it is for the respondents to examine the objection raised by the petitioner and to take an appropriate decision. However, there cannot be disconnection of power supply till such objection is considered and the petitioner is informed about the decision of the respondents.

In the circumstances, without expressing any opinion as to the liability of the petitioner under the impugned bill, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent-Accounts Officer to consider the representation of the petitioner dated 24-07-2004, and to pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that till such orders are passed, the petitioner shall not be insisted for payment of the sum of Rs.20,899/- (Rupees twenty thousand and eight ninety nine only) under impugned bill dated 08-07-2004. It is further made clear that there shall not be any disconnection of power supply on the ground that the petitioner has not paid the said sum of Rs.20,899/- within the due date.

Writ Petition is accordingly disposed of. No costs.

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29-07-2004

mjl/*

To

1 A.P. Central Power Distribution Company Ltd., (Sourth Circle).
2 The Asst. Accounts Officer, G.R.C., Mint Compund, Hyd.

3. 2 CD copies.